

P30301.A04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anja EITRICH et al.

**Confirmation No. 5886**

Group Art Unit : 1616

Serial No. : 10/589,084

Examiner: Browe, David

I.A. Filed : January 13, 2005

For : COSMETIC AND DERMATOLOGICAL SELF-TANNING  
FORMULATIONS COMPRISING DIHYDROXYACETONE  
AND GLYCERIN

**ELECTION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This is in response to the restriction requirement under 35 U.S.C. 121 and 372 mailed from the U.S. Patent and Trademark Office on August 31, 2009. Inasmuch as the one-month shortened statutory period for reply is set in the Office Action to expire September 30, 2009, this response is being filed by the initial due date for response. However, if any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

**RESTRICTION REQUIREMENT**

The Examiner has required restriction under 35 U.S.C. 121 and 372 to one of the following inventions:

- Group I**      claims 11-24, drawn to a cosmetic or dermatological self-tanning composition which comprises dihydroxyacetone and more than 5% by weight, based on total weight of the composition, of glycerin.
- Group II**     claims 25-28, drawn to a cosmetic or dermatological self-tanning composition which comprises dihydroxyacetone and glycerin in a weight ratio of from 0.05:1 to 0.9:1.
- Group III**    claims 29-31, drawn to an oil-in water emulsion which comprises the composition of claim 11.
- Group IV**     claim 32, drawn to a method of providing skin with a natural tanned color, wherein the method comprises applying to skin the composition of claim 11 in an amount which is sufficient to provide a tanned color.
- Group V**      claim 33, drawn to a method of producing a dihydroxyacetone containing cosmetic or dermatological self-tanning composition which provides a natural tanned color, wherein the method comprises incorporating into the composition an amount of

P30301.A04


glycerin which is sufficient for the composition to provide a natural skin color when it is applied to skin.

**ELECTION**

In response to the requirement for restriction, Applicants elect the invention of **claim 32** (i.e., the invention of **Group IV** as identified in the Restriction Requirement).

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,  
Anja EITRICH et al.



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